IN THE HIGH COURT OF JUDICATURE, AT BILASPUR (C.G.)

M.CR.C. NO. 134 / 2006 Single Bench

PETITIONERS

1. Sarful Ansari S/o Roshan Ansari aged 28 years resident of maganpur in the Police Station Gola distt. Hajari Bag (Bihar).
2. Rajiv @ Raju (Raje) S/o Doman Prasad Sao aged 26 years resident of masodi in the police station Distt. Patna (Bihar)

VERSUS

RESPONDENT

1. State of Chhattisgarh.Throrgh the (Police Station Bhatapara Distt. Raipur) Collector Raipur , District –Raipur.
2. Ashanand Wadhwani S/o Harpal Das aged 62 years propriter Shankar dal Mill bhagating ward Bhatapara Distt. Raipur (C.G.)

PETITION UNDER SECTION 482 OF THE CODE OF CRIMINAL PROCEDURE

XI-HC-78

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...Q.M.P. 134/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15.02.2007

Shri J.R. Verma, Counsel for the petitioners.

Shri G.K. Beriwal, Dy. Advocate General for the State.

Heard on admission.

This petition is directed for quashing of the charges as also quashing of the proceedings of the criminal trial pending in the Court of Judicial Magistrate First Class, Bhatapara.

It appears that on the report of complainant – Ashanand Wadhwani, Proprietor, Shankar Dal Mill, Bhagat Singh Ward, Bhatapara, District – Raipur (C.G.), to the Police Station – Bhatapara, a criminal case was registered against the petitioners under Sections 407, 420 read with Section 34 of IPC.

The allegations are that the consignment of certain food grains was dispatched by the complainant through the vehicle of Ajmera Roadways and it was entrusted to the Driver namely Sarful Ansari-petitioner No.1 herein. This consignment was amounting to Rs.2,42,505/-. The consignment did not reach to its destination in the State of West Bengal and later on, it was found that the Driver took the vehicle to Patna-Bihar and sold the property to its receiver – petitioner No.2 herein. It is argued that the aforesaid act was done by the driver on the instructions of co-accused - Veeru, who is the owner of the truck.

After going through the report lodged by the Proprietor of the firm namely Ashanand Wadhwani (Annexure P-2), it appears that there is *prima facie* material against these persons and the criminal case as well as charges framed against them under the aforementioned Sections of IPC by the learned Magistrate cannot be quashed.

The petition has no merit and the same is dismissed.

Sd/-
Sunil Kumar Sinha
Judge

P.T.O.